

Message Text

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FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 7685

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E.O. 11652. ./A

TAGS: PINT, PINS, NP

SUBJ: PRAKASH LOHANI CHALLENGES ELECTION SYSTEM

1. DR. PRAKASH LOHANI, MEMBER OF NATIONAL DEVELOPMENT COUNCIL AND FORMER MEMEBER OF NATIONAL PANCHYAT, HAS BROUGHT SUIT IN THE SUPREAME COURT CHALLENGING ELECTION SYSTEM UNDER SECOND CONSTITUTIONAL AMENDMENT. SUPREME COURT MARCH 14 ISSUED REATRINING ORDER TO BACK-TO-THE-VILLAGE NATIONAL CAMPAGIN CENTRAL COMMITTEE ASKING IT TO SHOW CAUSE WHY ELECTIONS IN BAGMATI ZONE (KATHMANDU) SHOULD NOT BE SUSPENDED IN RESPONSE TO LOHANI'S PLEA. LOHANI ASKED FOR ELECTION SUSPENSION ON GROUNDS THAT HE WAS DENIED APPROVAL TO CONTEST ELECTION BY THE BACK-TO-THE-VILLAGE BOARD AND THAT NO REASON FOR HIS REJECTION WAS GIVEN. ACCORDING TO SECOND AMENDNMENT ALL CANDIDATES FOR PANCHYAT SEATS AT ANY LEVEL MUST BE APPROVED BY NATIONAL CAMPAIGN BOARD OF BACK-TO-THE-VILLAGE.

2. COMMENT: LOHANI, WHO WAS ARRESTED IN 1972 BECAUSE AS CANDIDATE OF GRADUATE CONSTITUENCY HE HAD DARED TO CHALLENGE THE PHILOSOPHICAL BASE OF PANCHAYAT SYSTEM, STANDS LITTLE CHANCE TO WIN HIS SUIT.HE HAS, HOWEVER, BROUGHT TO A HEAD GROWING CTICICISM THAT THE SECOND AMENDMENT ALL BUT DESTROY THE CONCEPT OF CONTESTED ELECTIONS. NEARLY 90 PERCENT OF ELECTION HELD SO FAR

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HAVE BEEN BY "CONSENSUS" WITH ONLY ONE CANDIDATE STANDING FOR EACH SEAT. IN RECENT DISTRICT ELECTIONS IN KATHMANDU VALLEY, FOR EXAMPLE, SAME LD FACES HAVE BEEN RETURNED UNOPPOSED, INCLUDING EX-PRME MINISTER BISTA, BASU DEV DHUNGANA, EX-MINISTERS RAJ SINGH SUWAL AND BHUBAN MAN PRADHAN.

3. ACCORDING TO EMBASSY COURCES SOME PALACE ADVISORS HAVE QUESTIONED WHETHER SECOND AMENDMENT SHOULD NOT BE MODIFIED IN PRACTICE TO ALLOW MULTIPLE CANDIDACIES IN MAJOR URBAN AREAS. KING IS REPORTED TO HAVE REJECTED THE IDEA AS UNECESSARY AND HAS ORDERED TIGHTER RESTRICTIONS TO ASSURE THAT ONLY "PRO-PANCHAYAT" CANDIDATES ARE ELECTED. LOHANI'S SUIT IS DARING MOVE WHICH IS CERTAIN TO AROUSE IRE OF PALACE. IN INTERVIEW MARCH 14 THE KING, SPEAKING OF PRINCIPLE OF ELECTION BY CONSENSUS, SAID THAT "IF PERSONS HAVE SOME CAMPLAINT ABOUT THIS THEY HAVE THE RIGHT TO RAISE THE MATTER AND ASCERTAIN THE TRUTH AT PANCHYAT RALLIES AND CONVENTIONS". IT SEEMS UNLIKELY, HOWEVER, HOWEVER, THAT MANY WILL AVAIL THEMSELVES OF THAT OPPORTUNITY AND RISK BEING LABELED ANTI-PANCHAYAT.
MAYTAG

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